

## Form 4.

Affidavit to Accompany Motion for  
Leave to Appeal in Forma PauperisUnited States District Court for the District of Puerto Rico

A.B., Plaintiff

Instituto de Educacion Universal  
and Angel Ruiz Olivera

v.

Case No. 98-2225 (RLA)

C.D., Defendant

U.S. Department of EducationFILED IN CLERKS OFFICE  
US COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2005 APR 25 P 3:13

## Affidavit in Support of Motion

## Instructions

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: [Signature]Date: 4/4/2005

My issues on appeal are:

1. For both you and you spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>          </u>	\$ <u>5,000-</u>	\$ <u>          </u>	\$ <u>5,000-</u>
Self-employment	\$ <u>3</u>	\$ <u>          </u>	\$ <u>          </u>	\$ <u>          </u>
Income from real property (such as rental income)	\$ <u>2,000-</u>	\$ <u>          </u>	\$ <u>2,000-</u>	\$ <u>          </u>
Interest and dividends	\$ <u>          </u>	\$ <u>          </u>	\$ <u>          </u>	\$ <u>          </u>

Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____

Total Monthly Income: \$ 2,000 - \$ 5,000 - \$ 2,000 - \$ 5,000 -

*Due to a pre-nuptial agreement, I do not have rights or access to my spouse's income, neither de jure, nor de facto.*

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Unemployed</u>	<u>Since 1997</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Serbia Technical College</u>	<u>Brayana, P.O.</u>	<u>Sept. 2001</u>	<u>\$5,000</u>
_____	_____	_____	_____
_____	_____	_____	_____

4. How much cash do you and your spouse have? \$ 1,200 -

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<i>I do not have bank accounts. None will open one due to my credit.</i>			
<i>Bff R.</i>	<i>check/ings</i>	<i>\$ 0</i>	<i>\$ 1,000 -</i>
<i>Dora / Bank</i>	<i>"</i>	<i>\$ 0</i>	<i>\$ 200 -</i>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

<i>spouse's</i>	Home (Value)	Other real estate (Value)	Motor Vehicle #1 <i>\$12,000</i> (Value)
	<i>\$ 240,000</i>		Make & year: <i>Chevrolet 2002</i>
			Model: <i>Blazer</i>
			Registration #: _____
	Motor Vehicle #2 <i>\$1,500</i> (Value)	Other assets <i>\$1,500</i> (Value)	Other assets (Value)
	Make & year: <i>Oldsmobile 1995 Pontiac 1995</i>		
	Model: <i>Cutlass</i> <i>Grand Prix</i>		
	Registration #: _____		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<i>Aquebaní Ruiz</i>	<i>Son</i>	<i>23</i>
<i>Orayán Ruiz</i>	<i>"</i>	<i>22</i>
<i>Quarónex Ruiz</i>	<i>"</i>	<i>19</i>
<i>Sylvia Ruiz</i>	<i>Daughter</i>	<i>17</i>
<i>V. Inabón Ruiz</i>	<i>Son</i>	<i>9</i>
<i>Breke Ruiz</i>	<i>Daughter</i>	<i>4</i>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ _____	\$ <u>1,463 -</u> <u>381 -</u>
Are any real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>350 -</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>50 -</u>	\$ <u>75 -</u>
Food	\$ <u>600 -</u>	\$ <u>150 -</u>
Clothing	\$ <u>50 -</u>	\$ <u>250 -</u>
Laundry and dry-cleaning	\$ <u>50 -</u>	\$ <u>100 -</u>
Medical and dental expenses	\$ <u>50 -</u>	\$ <u>100 -</u>
Transportation (not including motor vehicle payments)	\$ <u>200 -</u>	\$ <u>300 -</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>50 -</u>	\$ <u>200 -</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ _____	\$ _____
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ _____	\$ _____

Installment payments	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ <u>520-</u>
Credit card (name): <u>Master Card</u>	\$ <u>250-</u>	\$ <u>250-</u>
Department store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others <i>De Jure</i> <u>2,250-220-</u> <i>De Facto</i>	\$ <u>2,250-220-</u>	\$ <u>2,250-220-</u>
<i>De Jure</i> <u>1,008-220-</u> <i>De Facto</i>	\$ <u>1,008-220-</u>	\$ <u>1,008-220-</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>Tuition + Fees</u>	\$ _____	\$ <u>750-</u>
<b>Total monthly expenses:</b>	\$ <u>2,090-</u>	\$ <u>4,539-</u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

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12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

*See Exhibits.*

13. State the address of your legal residence.

Calle 10-11 Estancias de Cdra, Cdra, P.R. 00739

Your daytime phone number: (787) 714-1069

Your age: 51 Your years of schooling: 21

Your social security number: 503-56-2886

12. Since 1997 as a direct result of the damages caused to Instituto de Educacion Universal (IEU) and myself personally, we both went bankrupt de facto. For a brief period in 1999 when I was able to partially rehabilitate myself economically, I have remained financially bankrupt de facto. I never filed for the protection that the bankruptcy laws provide because of reasons, of honor, dignity and pride. I simply did not want to bequest my children the stigma of a bankrupt father. Instead, when I could not handle the pressure I temporarily exiled myself in Barbados, West Indies, while the steam cooled off sufficiently. Nevertheless, millions of dollars in debt keep haunting my present and future. Unfortunately, renewed efforts to try to rehabilitate myself economically after 1999, became awry again, and I now have to face another legal judgment against me, for \$1,233,481.90, plus \$10,000 for legal honoraria and interest accrued since April 15, 2004. (First Instance Tribunal Superior Court of Bayamon, DCD2001-1076- Trevi Caribe v. AIN, S.E., Angel Ruiz Rivera, et al. -Exhibit 7 ) That judgment has been sustained by the Supreme Court of P.R. as of this last April 6, 2005. (CC-04-1175- Exhibit 8). To make things worse, that judgment also affects my spouse even when we have a pre-nuptial agreement as a result of a fraudulent scheme put up by the lawyer who acted as notary which denunciation we have heretofore not been able to obtain. This situation most likely will make my divorce inevitable.

Recently on April 7, 2005, the Appeals Circuit Tribunal of P.R., Regional Circuit of Carolina, upheld an administrative law judge decision against me collecting over \$75,000 in child support arrears. (KLRA-200400804, Angel Ruiz Rivera v. Mildred Perez Quiles - Exhibit 9) This is the lower one of my child support arrears situations. The higher one, owed to my first wife, surpasses the \$150,000 amount.

As anyone can see, with approximately \$2,000 a month in income, with all my present obligations which I cannot even meet and the past due debt of millions of dollars in liabilities, (See Exhibit 10, for most recent collection notices sent to me ) I need the granting of my IFP applications in order to be able to continue my struggle for vindication through the cases I am litigating Pro Se and hopefully find someday the eventual redress that could remove this Damocles spade over my head and worse, over my innocent children.

As a final note, I cannot understress the fact that I am presently litigating Pro Se and IFP, not for capricious or vicious reasons. Please see copies of invoices of some of the law firms I have retained in the past, in Washington, D.C., New York, and P.R., where you will corroborate that I have been invoiced over \$350,00 by them. This list is not all inclusive and there are others with lesser amounts that altogether exceed \$500,000. Exhibit 11.

1. Motion for Leave to Appear IFP in appeal 98-1242 at the U.S. Court of Appeals for the First Circuit - granted 3/27/1998.
2. Motion for Leave to Appear IFP in case 98-1300 (SEC) at the U.S. District Court - granted 4/6/1998.
3. Motion for Leave to Appear IFP in case 00-1609 (DRD) at the U.S. District Court - granted 6/7/2001.
4. Motion for Leave to Appear IFP in case 01-1963 (JAF) at the U.S. District Court - granted 2/20/2002.
5. Motion for Leave to Appear IFP in case 99-1012 (JAG) at the U.S. District Court - granted 4/4/2002.
6. Motion for Leave to Appear IFP in case 04-0610 at the U.S. District Court for the District of Columbia - granted June 28, 2004.
7. Motion for Leave To Appear IFP, in case 04-7135 at the U.S. Court of Appeals for the District of Columbia- in process.